



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16/Supp D.S.S  
9.27.02  
C. Moore

Inventors: James M. Holden; William A. McGahan; Richard A. Yarussi; Pablo I. Rovira; Roger R. Lowe-Webb  
Assignee: Nanometrics Incorporated  
Title: Apparatus And Method For The Measurement Of Diffracting Structures  
Serial No.: 09/670,000 Filing Date: September 25, 2000  
Examiner: Chih-Cheng Glen Kao Group Art Unit: 2882  
Docket No.: NAN022 US

COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(c)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent reexamination the document listed on the accompanying Form PTO-1449. A copy of the documents is also submitted herewith. The Examiner is requested to make this document of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(c) as it is after receipt of a first Office Action on the merits but before mailing of a final Action or Notice of Allowance. Accordingly, a fee is required pursuant to 37 CFR §1.17(p). A Fee Transmittal form (PTO/SB/17) is attached to this submission.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. §1.555 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the

Santa Clara, California  
September 17, 2002

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like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (Label No. ET 887 719 174 US) addressed to: Commissioner for Patents, Washington, D.C. 20231, on the below date.

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Attorney for Applicants Date of Signature

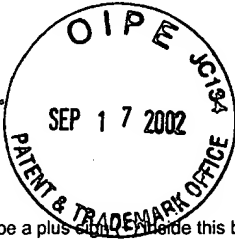
Respectfully submitted,



Michael J. Halbert  
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09-19-02

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission  
(Including this Transmittal Form)6 PAGES +  
1 REF.

Application Number

09/670,000

Filing Date

September 25, 2000

First Named Inventor

James M. Holden

Group Art Unit

2882

Examiner Name

Kao, Chih-Cheng G.

Attorney Docket No.

NAN022 US

**ENCLOSURES (check all that apply)**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)                     | <input type="checkbox"/> Assignment Papers<br>(for an Application)                                     | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input checked="" type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input type="checkbox"/> Amendment / Reply (18 pages + Exhibit A (4 pages))                 | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations  | <input type="checkbox"/> Petition to Convert to a Provisional Application                              | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br>(1 page) | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):               |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Terminal Disclaimer   | * Form PTO-1449 (1 page)  |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (2 pages) | <input type="checkbox"/> Request for Refund  | * 1 Reference   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                             | <input type="checkbox"/> CD, Number of CD(s) _____   | * Return Receipt Postcard   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application               |  |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53             |  |   |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Michael J. Halbert (40,633)

or

Silicon Valley Patent Group LLP

Individual Name

2350 Mission College Boulevard, Suite 360  
Santa Clara, California 95054

Signature

Date

9-17-02

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Michael J. Halbert

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**FEE TRANSMITTAL  
FOR FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/670,000
Filing Date	September 25, 2000
First Named Inventor	James M. Holden
Group Art Unit	2882
Examiner Name	Kao, Chih-Cheng G.
Attorney Docket No	NAN022 US

**TOTAL AMOUNT OF PAYMENT****(\$180.00)****METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)** **(\$0.00)****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
16	-29** = 0	x 9 = \$0	
Independent Claims	8	-6** = 0	x 42 = \$0
Multiple Dependent	0	140 = \$0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** **(\$0.00)**

\*\* or number previously paid, if greater; For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	180.00
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$180.00)****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Michael J. Halbert	Registration No. (Attorney/Agent)	40,633	Telephone	(408) 982-8200 ext. 2
Signature	<i>Michael J. Halbert</i>	Date	September 17, 2002		

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